

REMARKS

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 5,546,536 to Davis et al. (hereinafter “Davis”).

For the Examiner’s convenience and reference, Applicants’ remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Claims 1, 8, 13, 16, and 18 are amended with the limitation that the tracking command is received “...in response to a backup component not being online, wherein the backup component provides a gateway to a secondary volume;” Claim 1 as amended. See also claims 8, 13, 16, and 18 as amended. The amendment is fully supported by the specification, which discloses writing to the tracking component containing the response module if the backup component is not online. Page 11, ¶ 38, lines 1-4. The specification also discloses the backup component being a gateway to the secondary volume. Page 9, ¶ 30, lines 1-3; fig. 3, refs. 310, 330.

Claims 1, 8, 13, 16, and 18 are further amended with the limitation of claim 4, that the block address information comprises time and date information. See claims 1, 8, 13, 16, and 18 as amended. The amendment is fully supported by the specification, which discloses the tracking log including time and date information. Page 10, ¶ 33, lines 7-8.

Claims 1, 8, 13, 16, and 18 are further amended with the limitation that “...the response

module further configured to extract block addresses from the tracking log, organize a block address list from the extracted block addresses, read memory blocks of the block address list from a primary volume, and write the memory blocks to a secondary volume when the backup component comes online.” Claim 1 as amended. See also claims 8, 13, 16, and 18 as amended. The amendment is well supported by the specification, which discloses extracting block addresses, organizing the block address list, reading blocks from a primary volume, and writing blocks to the secondary volume through the backup component. Page 13, ¶ 44, lines 7-9; Page 13, ¶ 45, lines 5-7; page 13, ¶ 46, lines 1-6; fig. 5, refs. 510, 520, 530, 540.

Claims 2, 9 and 19 are amended with the limitation that the bitmap is “...representing block allocations on a primary volume.” Claim 2 as amended. See also claims 9 and 19 as amended. The amendment is well supported by the specification, which discloses the bitmap representing allocations. Page 10, ¶ 33, lines 5-7. Claims 4, 7, 10-12, 14, 15, 20, and 21 are canceled.

Applicants thank the Examiner for the telephone interview of January 5, 2007. The amendments above for exemplary claims 1 and 2 were discussed. Applicants and Examiner agreed that the amendments overcome the Davis reference. The Examiner will search for references to the added limitations.

Response to rejections of claims under 35 U.S.C. § 102.

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Davis. Applicants respectfully traverse this rejection. As amended, Applicants submit that claims 1, 8,

13, 16, and 18 are allowable as Davis does not teach block address information comprising time and date information. Applicants further submit that claims 2, 3, 5, 6, 9, 17, and 19 are allowable as depending from allowable claims. Claims 4, 7, 10-12, 14, 15, 20, and 21 are canceled.

Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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